

House File 215

H-1018

Amend House File 215 as follows:

1. Page 48, after line 20 by inserting:

<DIVISION

EDUCATION SAVINGS GRANT PROGRAM

Sec. _____. Section 256.7, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 34. Adopt rules relating to applications for an education savings grant pursuant to section 257.11B, including application processing timelines and information required to be submitted by a parent or guardian.

Sec. _____. NEW SECTION. 257.11B Education savings grant program.

1. Pupils eligible to enroll in grades kindergarten through twelve and attending an accredited nonpublic school or receiving competent private instruction under chapter 299A shall be eligible to receive an education savings grant in the manner provided in this section for school years beginning on or after July 1, 2014. Education savings grants shall be available for disbursement to parents and guardians for the payment of qualified education expenses as provided in this section.

2. a. (1) By January 31 preceding the school year for which the education savings grant is requested, the parent or guardian of the pupil requesting to receive an education savings grant shall submit an application to the department of education, on application forms developed by the department, indicating that the parent or guardian intends to enroll the pupil in an accredited nonpublic school or provide competent private instruction for the pupil under chapter 299A.

(2) In addition to such information deemed appropriate by the department of education, the application shall require certification from the accredited nonpublic school of the pupil's enrollment for the following school year or a statement indicating the parent or guardian's intent to provide or arrange for competent private instruction for the pupil for the following school year.

b. By March 1 preceding the school year for which the education savings grant is requested, the department of education shall notify the department of management of the number of pupils in each school district designated for the following school year to receive an education savings grant and the amount of the education savings grant for each pupil. The department of education shall also notify the parent or guardian of such pupils who are approved to receive an education savings grant.

1 c. Education savings grants shall only be approved
2 for one school year and applications must be submitted
3 under paragraph "a" for education savings grants in
4 subsequent school years.

5 3. a. The department of management shall assign
6 each pupil an education savings grant in an amount
7 equal to the statewide average state foundation aid per
8 pupil in the same school year.

9 b. The department of management shall on July
10 1 following the determination of the amount of the
11 education savings grant for each approved pupil
12 transfer such amounts to the pupil's account in
13 the education savings grant fund established under
14 subsection 4. Such amount shall be available for
15 disbursement to the pupil's parent or guardian for the
16 payment of qualified educational expenses incurred by
17 such persons for the pupil during that school year.

18 4. An education savings grant fund is created in
19 the state treasury under the control of the department
20 of management consisting of moneys appropriated to
21 the department for the purpose of providing education
22 savings grants under this section. For the fiscal
23 year commencing July 1, 2014, and each succeeding
24 fiscal year, there is appropriated from the general
25 fund of the state to the department of management to
26 be credited to the fund the amount necessary to pay
27 all education savings grants approved for that fiscal
28 year. The director of the department of management has
29 all powers necessary to carry out and effectuate the
30 purposes, objectives, and provisions of this section
31 pertaining to the fund, including the power to do all
32 of the following:

33 a. Make and enter into contracts necessary for the
34 administration of the fund.

35 b. Procure insurance against any loss in connection
36 with the assets of the fund.

37 c. Make disbursements from a pupil's account within
38 the fund to the pupil's parents or guardians for the
39 payment or reimbursement of qualified educational
40 expenses.

41 d. Conduct audits or other review necessary to
42 properly administer the program.

43 e. Adopt rules pursuant to chapter 17A for the
44 administration of the fund and accounts within the
45 fund.

46 5. a. For each pupil approved for an education
47 savings grant, the department shall establish an
48 account for that pupil in the education savings grant
49 fund. The amount of the pupil's education savings
50 grant determined under subsection 3 shall be deposited

1 into the pupil's account on July 1 and such amount
2 shall be immediately available for disbursement to
3 parents and guardians upon filing and approval of
4 claims from the pupil's account for qualified education
5 expenses incurred by the parent or guardian for the
6 pupil during that fiscal year.

7 **b.** A parent or guardian of a pupil may on forms
8 prescribed by the department of management submit
9 claims for disbursements of moneys within the account.
10 The department may by rule designate the appropriate
11 supporting documentation necessary for the disbursement
12 of moneys in an account including but not limited
13 to invoices of amounts due and receipts of amounts
14 paid for qualified education expenses. An accredited
15 nonpublic school or other entity that accepts payment
16 from a parent or guardian using funds from a pupil's
17 account in the education savings grant fund shall not
18 refund, rebate, or share any portion of such payment
19 with the parent, guardian, or pupil.

20 **c.** Moneys remaining in a pupil's account
21 upon conclusion of the fiscal year and following
22 disbursement of all claims submitted by the parent or
23 guardian before conclusion of the fiscal year shall
24 remain in the pupil's account within the education
25 savings grant fund for disbursement for qualified
26 educational expenses in future fiscal years or for
27 disbursement under subsection 8.

28 **6.** For purposes of this section, *"qualified*
29 *educational expense"* includes tuition and fees at an
30 accredited nonpublic school, textbooks, payment to a
31 licensed or accredited tutor, curriculum materials,
32 tuition or fees for nonpublic online education
33 programs, education materials and services for pupils
34 with disabilities, standardized test fees, fees
35 required by the department, and other expenses incurred
36 by the parent or guardian that are directly related to
37 the education of the pupil at an accredited nonpublic
38 school, including a nonpublic school accredited by
39 AdvancED or an organization with reciprocity with
40 AdvancED, the association of christian schools
41 international, christian schools international,
42 the national lutheran school accreditation, or the
43 independent schools association of the central states,
44 or directly related to providing competent private
45 instruction for the pupil under chapter 299A. The cost
46 of one computer or other portable computing device
47 shall be allowed as a qualified educational expense for
48 a pupil if such a purchase has not been claimed for
49 that pupil in either of the two immediately preceding
50 fiscal years. *"Qualified educational expenses"* do not

1 include transportation costs for the pupil, the cost of
2 food or refreshments consumed by the pupil, or the cost
3 of disposable materials including but not limited to
4 paper, notebooks, pencils, pens, and art supplies.

5 7. A person who makes a false claim for the purpose
6 of obtaining an education savings grant provided for
7 in this section or who knowingly receives the grant
8 or receives a disbursement from an account within the
9 education savings grant fund without being legally
10 entitled to it is guilty of a fraudulent practice.
11 The false claim for an education savings grant or a
12 disbursement from an account shall be disallowed and
13 if amounts from the grant have been disbursed from
14 the applicable account in the education savings grant
15 fund, the department of management shall initiate
16 legal proceedings to recover such amounts. A parent
17 or guardian who violates this subsection is prohibited
18 from participating in the education savings grant
19 program in the future.

20 8. For each pupil with a positive balance in the
21 pupil's account in the education savings grant fund
22 upon graduation from high school, the department
23 of management shall maintain such account in the
24 fund until the pupil is twenty-five years of age.
25 Following graduation from high school until the pupil
26 is twenty-five years of age, moneys in the pupil's
27 account may be used for higher education costs, as
28 defined in section 12D.1, subsection 2. Disbursements
29 from a pupil's account for higher education costs shall
30 be claimed by and disbursed to the pupil. Claims and
31 disbursements for higher education costs under this
32 subsection shall be made in the same manner as claims
33 and disbursements for qualified educational expenses
34 under subsection 5. Moneys in a pupil's account
35 when the pupil turns twenty-five years of age shall
36 be transferred by the department for deposit in the
37 general fund of the state.

38 9. This section shall not be construed to authorize
39 this state or any political subdivision of this
40 state to exercise authority over any accredited
41 nonpublic school or pupil receiving competent private
42 instruction under chapter 299A or construed to require
43 an accredited nonpublic school to modify its admissions
44 or educational program in order to receive payment from
45 a parent or guardian using funds from a pupil's account
46 in the education savings grant fund. An accredited
47 nonpublic school or other entity that accepts payment
48 from a parent or guardian using funds from a pupil's
49 account in the education savings grant fund is not
50 an agent of this state or other political subdivision

1 of this state. Rules adopted by the department to
2 implement this section that impose an undue burden on
3 an accredited nonpublic school are invalid.

4 Sec. _____. APPLICABILITY. This division of this
5 Act applies to school budget years and fiscal years
6 beginning on or after July 1, 2014.>

7 2. By renumbering as necessary.

FORRISTALL of Pottawattamie